OIPE JC56
MAY 20 2004
PATENT & TRADEMARK OFFICE

Attorney Docket No. 9099-18 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Robert D. Black et al.
Serial No.: 10/779,907
Filed: February 17, 2004
For: IN VIVO FLUORESCENCE SENSORS, SYSTEMS, AND RELATED METHODS OPERATING IN CONJUNCTION WITH FLUORESCENT ANALYTES

Group Art Unit: 1642
Examiner: To Be Assigned
Confirmation No.: 8994

Date: May 18, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Attached is a list of documents on Form PTO-1449, together with a copy of any listed foreign patent document and/or non-patent literature. A copy of any listed U.S. patent and/or U.S. patent application publication is not provided herewith in accordance with the waiver by the U.S. Patent and Trademark Office of requirements under 37 C.F.R. § 1.98(a)(2)(i) for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003.

It is requested that these documents be considered by the Examiner and officially made of record in accordance with the provisions of 37 C.F.R. § 1.56 and Section 609 of the MPEP. No fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

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Candi L. Riggs

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FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office LIST OF DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)	Attorney Docket Number: 9099-18	Serial No. 10/779,907
	Applicants: Robert D. Black et al.	
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OIPE JC56 MAY 2 0 2004 PATENT & TRADEMARK OFFICE

U. S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	6,650,930	11/18/03	Ding	600	436	
	2.	6,614,025	09/02/03	Thomson et al,	250	370.01	
	3.	6,444,475	09/03/02	Anderson, Jr. et al.	436	161	
	4.	6,363,940	04/02/02	Krag	128	899	
	5.	6,304,766	10/16/01	Colvin, Jr.	600	317	
	6.	6,295,680	10/02/01	Wahl et al.	14	1	
	7.	6,274,159	08/14/01	Marotta et al.	424	426	
	8.	6,272,373	08/07/01	Bouton	600	436	
	9.	6,259,095	07/10/01	Bouton et al.	250	336.1	
	10.	6,242,741	06/05/01	Miller et al.	250	363.02	
	11.	6,240,312	05/29/01	Alfano et al.	600	478	
	12.	6,239,724	05/29/01	Doron et al.	340	870.28	
	13.	6,172,368	01/09/01	Tarr et al,	250	370.07	
	14.	6,099,821	08/08/00	Rich et al.	424	1.61	
	15.	6,093,381	07/25/00	Triozzi et al.	424	1.49	
	16.	6,087,666	07/11/00	Huston et al.	250	484.5	
	17.	6,076,009	06/13/00	Raylman et al.	600	436	
	18.	6,070,096	05/30/00	Hayashi	600	477	
	19.	6,047,214	04/04/00	Mueller et al.	607	61	
	20.	6,025,137	02/15/00	Shyjan	435	6	
	21.	6,015,390	01/18/00	Krag	600	549	
	22.	5,987,350	11/16/99	Thurston	600	436	
	23.	5,939,453	08/17/99	Heller et al.	514	452	
	24.	5,932,879	08/03/99	Raylman et al.	250	370.06	
	25.	5,928,150	07/27/99	Call	600	436	
	26.	5,918,110	06/29/99	Abraham-Fuchs et al.	438	48	
	27.	5,916,167	06/29/99	Kramer et al.	600	436	
	28.	5,891,179	04/06/99	Er et al.	607	27	

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	29.	5,879,375	03/09/99	Larson et al.	607	30	
	30.	5,857,463	01/12/99	Thurston et al.	128	659	
	31.	5,840,148	11/24/98	Campbell et al.	156	275.5	
	32.	5,833,603	11/10/98	Kovacs et al.	600	317	
	33.	5,814,089	09/29/98	Stokes et al.	607	32	
	34.	5,811,814	09/22/98	Leone et al.	250	368	
	35.	5,791,344	08/11/98	Schulman et al.	128	635	
	36.	5,759,199	06/02/98	Snell et al.	607	60	
	37.	5,744,805	04/28/98	Raylman et al.	250	370.01	
	38.	5,744,804	04/28/98	Meijer et al.	250	369	
	39.	5,732,704	03/31/98	Thurston et al.	128	659	
	40.	5,720,771	02/24/98	Snell	607	60	
	41.	5,682,888	11/04/97	Olson et al.	128	653.1	
	42.	5,681,611	10/28/97	Yoshikawa et al.	427	163.2	
	43.	5,656,815	08/12/97	Justus et al.	250	337	
	44.	5,630,413	05/20/97	Thomas et al.	128	633	
	45.	5,628,324	05/13/97	Sarbach	128	670	
	46.	5,626,862	05/06/97	Brem et al.	424	426	
	47.	5,626,630	05/06/97	Markowitz et al.	607	060	
	48.	5,620,479	04/15/97	Diederich	607	97	
	49.	5,620,475	04/15/97	Magnusson	607	30	
	50.	5,620,472	04/15/97	Rahbari	128	903	
	51.	5,606,163	02/25/97	Huston et al.	250	337	
	52.	5,596,199	01/21/97	McNulty et al,	250	370.07	
	53.	5,593,430	01/14/97	Renger	607	9	
	54.	5,591,217	01/07/97	Barreras	607	5	
	55.	5,572,996	11/12/96	Doiron et al.	128	633	
	56.	5,571,148	11/05/96	Loeb et al.	607	40-43	
	57.	5,564,434	10/15/96	Halperin et al.	128	675	
	58.	5,562,713	10/08/96	Silvian	607	032	
	59.	5,557,702	09/17/96	Yoshikawa et al.	385	143	

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	60.	5,556,421	09/17/96	Prutchi et al.	607	36	
	61.	5,549,654	08/27/96	Powell	607	25	
	62.	5,549,113	08/27/96	Halleck et al.	128	633	
	63.	5,545,187	08/13/96	Bergstrom et al.	607	31	
	64.	5,538,005	07/23/96	Harrison et al.	128	698	
	65.	5,535,752	07/16/96	Halperin et al.	128	670	
	66.	5,517,313	05/14/96	Colvin, Jr.	356	417	
	67.	5,507,786	04/16/96	Morgan et al.	607	27	
	68.	5,505,828	04/09/96	Wong et al.	205	777.5	
	69.	5,497,772	03/12/96	Schulman et al.	128	635	
	70.	5,481,262	01/02/96	Urbas et al.	340	870.17	
	71.	5,480,415	01/02/96	Cox et al.	607	032	
	72.	5,476,488	12/19/95	Morgan et al.	607	030	
	73.	5,470,345	11/28/95	Hassler et al.	607	36	
	74.	5,466,246	11/14/95	Silvian	607	032	
	75.	5,444,254	08/22/95	Thomson	250	370.07	
	76.	5,431,171	07/11/95	Harrison et al.	128	698	
	77.	5,425,361	06/20/95	Fenzlein et al.	128	635	
	78.	5,383,909	01/24/95	Keimel	607	5	
	79.	5,377,676	01/03/95	Vari et al.	128	634	
	80.	5,372,133	12/13/94	Hogen et al.	128	631	
	81.	5,355,880	10/11/94	Thomas et al.	128	633	
	82.	5,354,319	10/11/94	Wyborny et al.	607	032	
	83.	5,354,314	10/11/94	Hardy et al.	128	653	
	84.	5,330,634	07/19/94	Wong et al.	204	409	
	85.	5,324,315	06/28/94	Grevious	607	060	
	86.	5,318,023	06/07/94	Vari et al.	128	633	
	87.	5,314,450	05/24/94	Thompson	607	032	
	88.	5,309,085	05/03/94	Sohn	324	71.5	
	89.	5,264,843	11/23/93	Silvian	340	870	
	90.	5,215,887	06/01/93	Saito	435	014	

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	91.	5,205,294	04/27/93	Flach et al.	128	696	
	92.	5,197,466	03/30/93	Marchosky et al.	128	399	
	93.	5,193,538	03/16/93	Ekwall	128	419 PT	
	94.	5,186,172	02/16/93	Fiddian-Green	128	632	
	95.	5,166,073	11/24/92	Lefkowitz et al.	436	57	
	96.	5,163,380	11/17/92	Duffy et al.	119	015	
	97.	5,159,262	10/27/92	Rumbaugh et al,	324	765	
	98.	5,137,022	08/11/92	Henry	128	419.PT	
	99.	5,127,404	07/07/92	Wyborny et al.	128	419.P	
	100.	5,126,937	06/30/92	Yamaguchi et al.	364	413.11	
	101.	5,117,824	06/02/92	Keimel et al.	128	419 PG	
	102.	5,117,113	05/26/92	Thomson et al,	250	370.07	
	103.	5,109,850	05/05/92	Blanco et al.	128	635	
	104.	5,098,547	03/24/92	Bryan et al.	204	401	
	105.	5,012,411	04/30/91	Policastro et al.	364	413.06	
	106.	5,008,546	04/16/91	Mazziotta et al.	250	366	
	107.	4,989,601	02/05/91	Marchosky et al.	128	399	
	108.	4,976,266	12/11/90	Huffman et al.	128	659	
	109.	4,970,391	11/13/90	Uber, III	250	374	
	110.	4,961,422	10/09/90	Marchosky et al.	128	399	
	111.	4,958,645	09/25/90	Cadell et al.	128	903	
	112.	4,944,299	07/31/90	Silvian	128	419.PG	
	113.	4,935,345	06/19/90	Guilbeau et al.	435	014	
	114.	4,919,141	04/24/90	Zier et al.	128	635	
	115.	4,900,422	02/13/90	Bryan et al.	204	401	
	116.	4,847,617	07/11/89	Silvian	340	970.160	
	117.	4,846,191	07/11/89	Brockway et al.	128	748	
	118.	4,804,847	02/14/89	Uber III	250	370 F	
	119.	4,796,641	01/10/89	Mills et al.	128	748	
	120.	4,793,825	12/27/88	Benjamin et al.	128	419	
	121.	4,769,547	09/06/88	Uber III	250	374	

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	122.	4,750,495	06/14/88	Moore et al.	128	419 PG	
	123.	4,719,919	01/19/88	Marchosky et al.	128	401	
	124.	4,703,756	11/03/87	Gough et al.	128	635	
	125.	4,681,111	07/21/87	Silvian	128	419.PT	
	126.	4,678,916	07/07/87	Thomson	250	370	
	127.	4,655,880	07/07/87	Liu	204	1 T	
	128.	4,651,741	03/24/87	Passafaro	128	633	
	129.	4,638,436	01/20/87	Badger et al.	364	416	
	130.	4,625,733	12/02/86	Säynäjäkangas	128	687	
	131.	4,575,676	03/11/86	Palkuti	324	158 D	
	132.	4,571,589	02/18/86	Slocum et al.	128	419 PG	
	133.	4,571,292	02/18/86	Liu et al.	204	412	
	134.	4,556,063	12/03/85	Thompson et al.	128	419.PT	
	135.	4,543,953	10/01/85	Slocum et al.	128	419.PT	
	136.	4,541,901	09/17/85	Parker et al.	29\04	1 T	
	137.	4,523,279	06/11/85	Sperinde et al.	364	416	
	138.	4,519,401	05/28/85	Ko et al.	118	748	
	139.	4,494,545	01/22/85	Slocum et al.	128	1.5	
	140.	4,484,076	11/20/84	Thomson	250	370.07	
	141.	4,431,004	02/14/86	Bessman et al.	128	635	
	142.	4,416,283	11/22/83	Slocum	128	419 PG	
	143.	4,397,314	08/09/83	Vaguine	128	399	
	144.	4,397,313	08/09/83	Vaguine	128	399	
	145.	4,361,153	11/30/82	Slocum et al.	128	419.P	
	146.	4,326,535	04/27/82	Steffel et al.	128	631	
	147.	4,163,380	08/07/79	Masoner	72	342	
	148.	3,972,320	08/03/76	Kalman	128	002.1A	
	149.	3,638,640	02/01/72	Shaw	128	2R	
	150.	3,229,684	01/18/66	Nagumo et al.	600	302	
	151.	Re. 32,361	02/24/87	Duggan	128	696	
	152.	D424,453	05/09/00	Atterbury et al.	D10	47	

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	153.	D423,377	04/25/00	Atterbury et al.	D10	47	

FOREIGN PATENT DOCUMENTS

			Date	Country	Class	Subclass	Translation Yes | No
	154.	DE 3219558A1	01/12/83	German			X
	155.	DE3332075	03/22/84	German			
	156.	DE4341903A1	14/06/95	German			X
	157.	EP0245073 B1	12/22/93	EPO			X
	158.	EP0386218B1	10/01/96	EPO			X
	159.	EP0420177 A1	03/04/91	EPO			X
	160.	EP0471957A2	02/26/92	EPO			
	161.	EP0537761 A2	04/21/93	EPO			X
	162.	GB2263196A	07/14/93	United Kingdom			
	163.	WO00/18294	06/04/00	PCT	A61B	5/00	
	164.	WO00/29096	25/05/00	PCT			X
	165.	WO00/33065	06/04/00	PCT			
	166.	WO00/40299	07/13/00	PCT			
	167.	WO02/09775	02/07/02	PCT			
	168.	WO02/100485	06/05/02	PCT			
	169.	WO02/39917	11/17/00	PCT			
	170.	WO02/39918	05/23/02	PCT			
	171.	WO95/17809	06/07/95	PCT	95/17809	06/07/95	
	172.	WO97/33513	18/09/97	PCT			
	173.	WO98/02209A2	01/22/98	PCT			X
	174.	WO98/43701	08/10/98	PCT			X
	175.	WO98/58250	12/23/98	PCT			X
	176.	WO99/48419	09/30/99	PCT	A61B	5/00	
	177.	WO99/58065	11/18/99	PCT			
	178.	WO99/63881	12/16/99	PCT			

OTHER NON PATENT LITERATURE DOCUMENTS

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	179.	Akin et al., *RF telemetry powering and control of hermetically sealed integrated sensors and actuators*, Proc. Solid-State Sensors & Actuators Workshop, Hilton Head, SC, pp 145-148 (1990).
	180.	Akin, T., K. Najafi, R.M. Bradley, *An implantable multichannel digital neural recording system for a micromachined sieve electrode*, Proc. Int. Conf. on Solid-State Sensors and Actuators, Stockholm, Sweden, Vol. 1, pp. 51-54 (June 1995).
	181.	Alecu et al., *Dose perturbations due to in vivo dosimetry with diodes"* Radiotherapy and Oncology, pp. 289-291, Vol. 42, (1997).
	182.	Barber et al., *Comparison of NaI(T1), CdTe, and HgI2 surgical probes: physical characterization*, Med. Phys., 18(3):373-381 (May-June 1991).
	183.	Barthe, Jean, *Electronic dosimeters based on solid state detectors, Nuclear. Instruments. and Methods in Physics Research Sec. B vol. 184,* pp 158-189 (2001).
	184.	Bergh, Van Den, H., *On the Evolution of Some Endoscopic Light Delivery Systems for Photodynamic Therapy,* Endoscopy, May 1998, pp. 392-407
	185.	Berthold et al., *Method for in-situ detection of tritium in water*, McDermott Technology Inc./RDTPA 99-03, pp. 1-9 (Sept. 19-22, 1999).
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	187.	Blackstock et al., *Tumor retention of 5-fluorouracil following irradiation observed using 19F nuclear magnetic resonance spectroscopy*, Init J Radiat Oncol Biol Phys, 36(3):641-648 (Oct. 1, 1996).
	188.	Bojsen et al., *A portable external two-channel radiotelemetrical GM-detector unit, for measurements of radionuclide-tracers in vivo*, Int J Appl Radiat Isot, 25(4):161-166 (Apr. 1974).
	189.	Bojsen et al., *A radiotelemetrical measuring device, implantable on animals, for long term mersurements of radionuclide tracers*, Int J Appl Radiat Isot, 23(11):505-511 (Nov. 1972).
	190.	Braichotte et al., *Clinical Pharmacokinetic Studies of Photofrin by Fluorescence Spectroscopy in the Oral Cavity, the Esophagus, and the Bronchi,* CANCER, Volume 75, No. 11, June 1, 1995, pp. 2768-2778
	191.	Brochure, *Be as smart as you can be with BMDS and Smart Alec™ your partners in intelligence*, Bio Medic Data Systems, Inc. (©1999).
	192.	Brochure, *Come along for the incredible journey in the development of the IPTT-200*, Bio Medic Data Systems, Inc. (©2000).
	193.	Butson, Martin J. et al, *A new radiotherapy surface dose detector: The MOSFET*, Medical Physics, American Institute of Physics, Vol. 23 (5) pp 655-658 (May 1996).
	194.	Cortese et al., *Clinical Application of a New Endoscopic Technique for Detection of In Situ Bronchial Carcinoma,* Mayo Clinic Proceedings, Volume 54, October 1979, pp. 635-641
	195.	Cosofret et al., *Microfabricated sensor arrays sensitive to pH and K+ for ionic distribution measurements in the beating heart, Analytical Chemistry*, Vol. 67, pp. 1647-53 (1995).
	196.	Daghighian et al., *Intraoperative beta probe: a device for detecting tissue labeled with positron or electron emitting isotopes during surgery*, Med Phys, 21(1):153-157 (Jan. 1994).

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	197.	Data Sciences International, http://www.ispex.ca/companies/instrumentation/DataScInt.html, Profile web pages 1-2 and Instrumental Products 1-7, Copyright Ispex Exchange Inc., 2003, for examination purposes, applicant admits similar devices were available prior to earlier filing date of application.
	198.	Deutsch, S., *Fifteen-electrode time-multiplex EEG telemetry from ambulatory patients*, IEEE Transactions on Biomedical Engineering, Vol. BME-26, pp. 153-159 (1979).
	199.	Dewhirst et al., *Soft-Tissue Sarcomas: MR Imaging and MR Spectroscopy for Prognosis and Therapy Monitoring*, Radiology, 174:847-853 (1990).
	200.	Dewhirst, *Concepts of oxygen transport at the microcirculatory level*, Seminars in Radiation Oncology, Vol. 8, 1998, pp. 143-150.
	201.	Dienes et al., *Radiation Effects in Solids, Interscience Monographs in Physics and Astronomy*, Vol. II, Interscience Publishers, Inc., pp. 1-4, 56-85, 90-122 and 129-177 (©1957).
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